

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – Arbitration - An amount of Rs.25,94,800/- as full and final Settlement of Arbitration Award dt: 17.5.1999 / OP No.35/99 dt: 12.6.2000 in respect of the work relating to “Cement Concrete lining to Kakatiya Canal from Km.220.00 to km 222.00 entrusted to G. Upender Reddy, Contractor vide Agreement No.57/81-82, Dt. 04.12.1981 – Sanctioned - Orders – Issued.

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O Ms. No. 104

Dated:20-07-2011

Read the following

- 1) From Sri G.Narayana Reddy G.P.A. Holder of Sri G. Upender Reddy Contractor Hyderabad, Representation dt:15.10.2007.
- 2) From the Admnr- cum- Chief Engineer, Sriramsagar Project, Hyd Lr. No. SRSP.II/DEE2/AE3/13179/85, dated: 22.2.2008.
- 3) From the Engineer-in-Chief, (IW), I & CAD Dept., Hyderabad, Hyd Lr. No. ENC./I.W/P&M/EE.I/DEE.8/300108/08, dated: 27.7.2010.

---S---

ORDER

The Administrator-cum-Chief Engineer, SRSP, Hyderabad in his letter 2nd read above, has reported that the work relating to “Cement Concrete lining to Kakatiya Canal from Km.220.00 to Km. 222.00” was entrusted to Sri G. Upender Reddy, Contractor vide Agt.No.57/81-82, dt.04.12.1981. The disputes arose between Government and Contractor was referred to the panel of Arbitrators and the arbitrators have passed a nil award on 24-5-1999 and the Department has filed O.P.43/1999 to make the award as rule of court. The Contractor has also filed O.P.No.35/1999 for appointment of a sole Arbitrator on the ground that the Arbitral tribunal which was constituted by the Court was not the Tribunal that conducted the proceedings in as much as the Additional Secretary to Government instead of Joint Secretary to Government conducted the proceedings and passed the award. The learned II Additional Senior Civil Judge Court, Warangal in its common order dt: 12-6-2000 while dismissing both the OP's i. e., 43/99 and 35/99 has observed that the award dt: 17-05-1999 is found to be illegal and vitiated by the participation of respondent no. 6 i.e., Sri B. Myna Rao, Additional Secretary, (Finance & Planning) (F&W), Govt. of A.P., Secretariat, Hyderabad as arbitrator without any authorization. In this common order the court has also held that parties are at liberty to move to the court afresh for appointment of Arbitrators. Aggrieved with the common order, the Department has filed CMA No: 22/2001 and the Contractor has also filed CRP No: 4326/2000. When both the matters were taken up by the Hon'ble High Court for hearing, the Court has directed the parties to conciliate the matter and arrive at a settlement and both the CMA and CRP were disposed of on 19-07-2007. However, liberty was given to either of the parties report back to the Court about final settlement or failure report. This exercise ought to have been completed within a period of three months. The Advocate General who has been consulted in the matter by the concerned Superintending Engineer has informed that two years have been elapsed already. In view of the fact that the Contractor has made a representation for Conciliation to invite him for

negotiations, make an effort for settlement. Only in case if the talks fail then the Department may approach the Hon'ble Court by filing an application for reopening of the case on merits. Based on the opinion of the learned Advocate General, the matter has been discussed in the concerned conciliation committee with the above contractor. During the final conciliation with the above contractor on 20.12.2010, the G.P.A holder of the contractor has agreed for Rs. 25,94,800 /- as full and final settlement of his claim. The G.P.A holder of contractor has submitted a declaration on a affidavit stating that he shall withdraw all legal proceedings in respect of the above subject work against the Govt. of A.P or its representative officer, if the above agreed amount is paid.

2. Government after careful examination of the matter, hereby accord sanction for an amount of Rs. 25,94,800/- (Rupees Twenty five lakhs Ninety four thousand Eight hundred only) as full and final settlement of the Arbitration Award dt: 17-5-1999/ OP No.35/1999 dt: 12.06.2000 in respect of work relating to "Cement Concrete lining to Kakatiya Canal from Km.220.00 to Km. 222.00" entrusted to Sri G. Upender Reddy, Contractor vide Agt.No.57/81-82, dt.04.12.1981. Subject to condition that the G.P.A. holder of the Contractor shall withdraw all legal proceedings in respect of the above subject work against the Govt. of A.P or its representative officer, if the above sanctioned amount is paid.

3. The expenditure sanctioned in para (2) above shall be debitable to the detailed Head of Account under "4700 – 01- 101 – 11 – SH 27 – 530 / 531 O.E".

4. The Engineer- in – Chief (IW) I & CAD Department, Hyderabad/ The Administrator-cum-Chief Engineer, SRSP, Hyderabad shall deposit the above sanctioned decretal amount in the respective court to the credit of OP No. 35/99 for avoiding further legal complications in the matter.

5. This order issues with the concurrence of Finance (W&P) Department vide their U.O No.717/f4(A2)/11-1, dt: 11.3.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. PRASANTA MAHAPATRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Engineer-in-Chief (I.W.), I & CAD Dept., Errummanzil, Hyderabad.

The Administrator-cum-Chief Engineer, SRSP, Hyderabad

The Accountant General, A.P. Hyderabad.

The Director of Works & Accounts, A.P Hyderabad.

The District Treasury Officer, Warangal

The Pay and Accounts Officer, Warangal

Copy to : The P.S. to Minister (M & MI)

The P.S to Prl.Secy. to Govt., I&CAD Department.

The Finance (W&P) Department.

The Law Department

The I & CAD (P&B) Department.

S.F/ S.C

//Forwarded: By Order//

Section Officer